

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

David Milan, et al

Plaintiff,

vs.

Cecil Parks, et al

Defendant.

Civil Action No. 6:09-2186-HFF

ORDER OF DISMISSAL

The Court having been advised that the above action has been settled as to Plaintiffs David and Cheri Milan and Defendants Greenville County Soil and Water Conservation District and South Carolina Department of Health and Environmental Control only.

IT IS ORDERED that this action is hereby dismissed without costs and without prejudice as to Plaintiffs David Milan and Cheri Milan and Defendants Greenville County Soil and Water Conservation District and South Carolina Department of Health and Environmental Control only. If settlement is not consummated within sixty (60) days, either party may petition the Court to reopen this action and restore it to the calendar. Rule 60(b)(6), F.R.Civ.P. In the alternative, to the extent permitted by law, either party may within sixty (60) days petition the Court to enforce the settlement. Fairfax Countywide Citizens v. Fairfax County, 571 F.2d 1299 (4th Cir. 1978). By agreement of the parties, the court retains jurisdiction to enforce the settlement agreement. Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 381-82 (1994).

The dismissal hereunder shall be with prejudice if no action is taken under either alternative within sixty (60) days from the filing date of this order.

IT IS SO ORDERED.

s/ Henry F. Floyd
Henry F. Floyd
United States District Judge

November 25, 2009
Greenville, South Carolina